IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26374 of 2005

Between:

M. Raja Rao

..... PETITIONER

AND

The District Collector,

W.G.District, Eluru and 3 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the cancellation order in Roc.No.1677/2005 (c) dated 21.11.2005 on the file of the 3rd respondent and the order dated 04.12.2005 made in Roc.No.CSI.57/Appeal/2005 on the file of the 2nd respondent, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner is a fair price shop dealer of Shop No.63, situated at Eluru, West Godavari District. The said dealership has been cancelled by the 3rd respondent vide his proceedings dated 21.11.2005. As against the said order, the petitioner filed an appeal before the 2nd respondent, along with an application to grant of stay. But the 2nd respondent vide his proceedings dated 04.12.2005, rejected the stay application. Aggrieved by the same, this writ petition is filed.

It is stated that no specific charges have been framed and though there are no any grave and serious charges, the authorization of the petitioner has been illegally cancelled, and though there is prima facie case and sufficient reasons are shown to grant stay, the 2nd respondent, without hearing the petitioner, refused to grant stay.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition, with a direction to the 2nd respondent to consider and dispose of the appeal itself, as expeditiously as possible, after giving a reasonable opportunity to the petitioner. Till the disposal of the appeal, there shall be stay of operation of the proceedings of the 3rd respondent dated 21.11.2005, and the petitioner is permitted to distribute the essential commodities to the cardholders of his fair price shop.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 09.12.2005

Dsr

Note:

Issue CC by 12.12.2005

B/o

Dsr